



17364 U.S.PTO

031204

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March 12, 2004

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Attorney Docket No.: 07575-032002

**Mail Stop Patent Application**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Presented for filing is a new continuation patent application of:

**FR**

BOSTON

DALLAS

DELAWARE

NEW YORK

SAN DIEGO

SILICON VALLEY

TWIN CITIES

WASHINGTON, DC

Applicant: CHRISTINA WOODY MERCIER, WILLIAM TRACY FULLER,  
DONALD EDWARD BANKS, THOMAS ALAN RINEHART, BANG  
CHANG AND NOEL CHRISTOPHER MELVILLE

Title: COHERENT DEVICE TO DEVICE DATA REPLICATION

The prior application is assigned of record to Network Appliance, Inc.,  
a Delaware corporation, by virtue of an assignment submitted to the Patent and  
Trademark Office and recorded on August 29, 2003, at 013933/0292.

Enclosed are the following papers, including those required to receive a filing date  
under 37 CFR §1.53(b):

	<u>Pages</u>
Specification	15
Claims	4
Abstract	1
Declaration	4
Drawings	7

Enclosures:

- Application Coversheet, 1 page.
- Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i), 1 page.
- Postcard.

This application is a continuation and claims the benefit of priority under  
35 U.S.C. Section 120 of U.S. Application Serial No. 09/375,819, filed  
August 16, 1999.

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Commissioner for Patents

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Basic filing fee	\$770
Total claims in excess of 20 times \$18	\$36
Independent claims in excess of 3 times \$86	\$86
Total filing fee:	\$892

A check for the filing fee is enclosed. Please apply any other required fees or any credits to deposit account 06-1050, referencing the attorney docket number shown above.

If this application is found to be incomplete, or if a telephone conference would otherwise be helpful, please call the undersigned at (650) 839-5070. If a preliminary amendment has not been received when the first office action is being prepared, please contact the undersigned.

Kindly acknowledge receipt of this application by returning the enclosed postcard.

Please direct all correspondence to the following:

26181

PTO Customer Number

Respectfully submitted,



Tim H. Pham  
Reg. No. 48,589  
Enclosures  
THP/cab  
50204691.doc

**REQUEST AND CERTIFICATION  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor		Mercier et al.
Title	COHERENT DEVICE TO DEVICE DATA REPLICATION	
Atty Docket Number	07575-032002	

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

Mar. 12, 2004

Date



Signature

Tim H. Pham, Reg. No. 48,589

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**